

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

U.S. NAVY SEALs 1-26;

**U.S. NAVY SPECIAL WARFARE
COMBATANT CRAFT CREWMEN 1-5;**

**U.S. NAVY EXPLOSIVE ORDNANCE
DISPOSAL TECHNICIAN 1; and**

U.S. NAVY DIVERS 1-3,

Plaintiffs,

v.

Case No. 4:21-cv-01236-O

JOSEPH R. BIDEN, JR., in his official capacity as President of the United States of America; **LLOYD J. AUSTIN, III**, individually and in his official capacity as United States Secretary of Defense; **UNITED STATES DEPARTMENT OF DEFENSE**; **CARLOS DEL TORO**, individually and in his official capacity as United States Secretary of the Navy,

Defendants.

MOTION FOR LEAVE TO EXCEED PAGE LIMITATION

Plaintiffs U.S. Navy SEALs 1-26, U.S. Navy Special Warfare Combatant Craft Crewmen 1-5, U.S. Navy Explosive Ordnance Disposal Technician 1, and U.S. Navy Divers 1-3 (“the SEALs”), by and through counsel, respectfully move this Court to allow the SEALs to file a Brief in Support of Motion for Preliminary Injunction exceeding the page limitation set by Local Rule 7.2(c). In support of this Motion, the SEALs respectfully state:

1. Pursuant to Local Rule 7.2(c), “a brief must not exceed 25 pages (excluding the table of contents and table of authorities) Permission to file a brief in excess of these page

limitations will be granted by the presiding judge only for extraordinary and compelling reasons.” The SEALs believe that compelling reasons exist to grant leave to file a Brief in Support of Motion for Preliminary Injunction of 31 pages.

2. This case presents several compelling matters of public importance because it involves application of the Free Exercise Clause of the United States Constitution, U.S. Const. amend. I, the Religious Freedom Restoration Act, 42 U.S.C. § 2000bb *et seq.*, the Administrative Procedure Act, 5 U.S.C. §§ 701-06, Department of Defense regulations, and Department of the Navy regulations. *See* Compl. at ¶ 2.

3. Specifically, the SEALs seek to enjoin the President of the United States, the United States Secretary of Defense, the United States Department of Defense, and the United States Secretary of the Navy from enforcing a COVID-19 vaccination mandate against the SEALs without considering or granting religious accommodations. *Id.* at ¶¶ 22-25. The SEALs sincerely held religious beliefs forbid each of them from receiving the COVID-19 vaccine for a variety of reasons based upon their Christian faith as revealed through the Holy Bible and prayerful discernment. *Id.* at ¶ 57.

4. The Brief in Support of Motion for Preliminary Injunction includes a statement of facts that presents the Defendants’ numerous vaccination policies and other discriminatory actions, in addition to the sincerely held-religious beliefs of and irreparable injury faced by thirty-five members of Naval Special Warfare Command units. Further, it provides a thorough analysis of a multi-element legal standard for a preliminary injunction.

5. While the Plaintiffs have made a good faith effort to comply with the page limitation, this has proven to be an extraordinary task given the numerosity of plaintiffs and the complexity of the issues presented in this case. The SEALs respectfully submit that 31 pages is

necessary to provide this Court with a proper Brief in Support of Motion for Preliminary Injunction.

WHEREFORE, the SEALs respectfully request that the Court grant this Motion for Leave to Exceed Page Limitation and allow them to file a motion for preliminary injunction brief of 31 pages.

Respectfully submitted this 24th day of November, 2021.

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** Not yet admitted to the D.C. Bar, but
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of an attorney admitted to the D.C. Bar.

CERTIFICATE OF CONFERENCE

Plaintiffs' counsel were unable to conference this Motion with Defendants' counsel because no counsel has appeared for Defendants. However, once counsel for Defendants file appearances, Plaintiffs' counsel will confer with them.

/s/Heather Gebelin Hacker
HEATHER GEBELIN HACKER

CERTIFICATE OF SERVICE

I hereby certify that on November 24, 2021, I electronically filed the foregoing document through the Court's ECF system and will serve a copy on each of the Defendants according to the Federal Rules of Civil Procedure.

/s/Heather Gebelin Hacker
HEATHER GEBELIN HACKER